



PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: David Kowal, John M. Boushy and Timothy J. Wilmott

APPLICATION NO.: 09/989,929

FILING DATE: November 20, 2001

TITLE: CUSTOMER VALUATION IN A RESOURCE PRICE MANAGER

EXAMINER: Not yet known

GROUP ART UNIT: 2161

ATTY. DKT. NO.: 19538-06497

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Dated: January 29, 2002

By: [Signature]

Amir H. Raubvogel, Reg. No. 37,070

COMMISSIONER FOR PATENTS
WASHINGTON, DC. 20231

INFORMATION DISCLOSURE STATEMENT

Under 37 CFR §§ 1.56 and 1.97-98

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO-1449 listing references for consideration by the Examiner. Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

- ☒ within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;

- ☐ before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
- ☐ after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; or (2) an action that otherwise closes prosecution in the application, and:
 - ☐ attached hereto is the fee set forth under 37 CFR § 1.17(p) for submission of this Information Disclosure Statement under 37 CFR § 1.97(c); OR
 - ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
 - ☐ each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
 - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;
- ☐ before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; or (2) an action that otherwise closes prosecution in the application, and:
 - ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
 - ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; or
 - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a

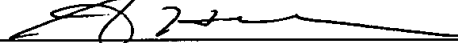
foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND

- ☐ attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
- ☐ after the payment of the issue fee. Applicant request that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.
- ☐ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. _____, filed on _____, and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).
- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).
- ☒ Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,
David Kowal, John M. Boushy
and Timothy J. Wilmott

Dated: January 29, 2002

By: 
Amir H. Raubvogel, Reg. No. 37,070
Fenwick & West LLP
Two Palo Alto Square
Palo Alto, CA 94306
Tel.: (650) 858-7276
Fax: (650) 494-1417



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2161 #4 6.12

PTO/SB/21 (modified)
Approved for use through xx/xx/xx, OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM (to be used for all correspondence during pendency of filed application)	Application Number	09/989,929	
	Filing Date	November 20, 2001	
	First Named Inventor	David Kowal	
	Group Art Unit Number	2161	
	Examiner Name	Not yet known	
Total Number of Pages in This Submission	8*	Attorney Docket Number	19538-06497

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ENCLOSURES (check all that apply)	
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REMARKS: *Number of pages does not include cited references

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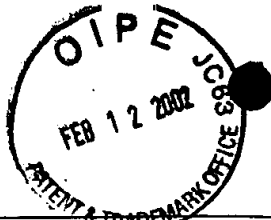
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Attorney/Reg. No.:	Amir H. Raubvogel, Reg. No. 37,070
Dated:	January 29, 2002

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

0002/PTO(modified)
Rev. 10/2001U.S. Department of Commerce
Patent and Trademark Office

FEE TRANSMITTAL

TOTAL AMOUNT OF PAYMENT

Subtotal (1) + Subtotal (2) + Subtotal (3) = (\$ 0.00)

Complete if Known

Application Number	09/989,929
Filing Date	November 20, 2001
First Named Inventor	David Kowal
Group Art Unit	2161
Examiner Name	Not yet known
Attorney Docket Number	19538-06497

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METHOD OF PAYMENT

FEE CALCULATION (continued)

1. The Commissioner is hereby authorized to:

- ☐ Charge the indicated fees to the below mentioned deposit account.
- ☒ Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. †
- ☐ Applicant claims small entity status See 37 CFR 1.27

Deposit Account Number: 19-2555

Deposit Account Name: FENWICK & WEST LLP

A Duplicate Copy of this authorization is attached

2. ☒ Payment Enclosed:☒ Check ☐ Credit Card ☐ Other

FEE CALCULATION (fees effective 10/01/2001)

1. FILING FEE

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due
101/\$740	201/\$370	Utility Filing	
106/\$330	206/\$165	Design Filing	
108/\$740	208/\$370	Reissue	
114/\$160	214/\$80	Provisional Filing	

SUBTOTAL (1) (\$ 0.00)

2. CLAIMS

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description
103/\$18	203/\$9	Claims in excess of 20
102/\$84	202/\$42	Independent claims in excess of 3
104/\$280	204/\$140	Multiple dependent claim
109/\$84	209/\$42	Reissue independent claims over original patent
110/\$18	210/\$9	Reissue claims in excess of 20 and over original patent

3. ADDITIONAL FEES

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due
105/\$130	205/\$65	Surcharge - late filing fee or oath	
127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet	
147/\$2,520	147/\$2,520	For filing a request for reexamination	
115/\$110	215/\$55	Extension for response within first month†	
116/\$400	216/\$200	Extension for response within second month†	
117/\$920	217/\$460	Extension for response within third month†	
118/\$1,440	218/\$720	Extension for response within fourth month†	
128/\$1,960	228/\$980	Extension for response within fifth month†	
119/\$320	219/\$160	Notice of Appeal	
141/\$1,280	241/\$640	Petition to revive unintentionally abandoned application	
142/\$1,280	242/\$640	Utility Issue Fee (Or Reissue)	
143/\$460	243/\$230	Design Issue Fee	
122/\$130	122/\$130	Petitions to the Commissioner	
126/\$180	126/\$180	Submission of Information Disclosure Statement	
179/\$740	279/\$370	Request for Continued Examination (RCE)	
581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)	
146/\$740	246/\$370	Filing a submission after final rejection (37 CFR 1.129(a))	
149/\$740	249/\$370	For each additional invention to be examined (37 CFR 1.129(b))	

Other fee (specify):

Other fee (specify):

SUBTOTAL (2) (\$ 0.00)

(Col. 1)		(Col. 2)		(Col. 3)		Fee	Fee Due
For	No. of Existing Claims		Highest No. Previously Paid For	Extra**			
TOTAL		minus*	20 or 0		x		
INDEP		minus*	3 or 0		x		
[] First presentation of multiple dependent claim							

* Subtract the greater number of Col. 2

** If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3

SUBTOTAL (2) (\$ 0.00)

SUBMITTED BY

Typed or Printed Name Amir H. Raubvogel

Complete (if applicable)

Reg. Number 37,070

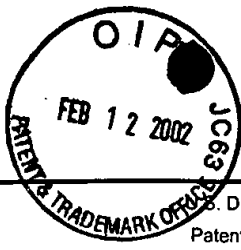
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Date

January 29, 2002

19538/06497/DOCS/1240931.1

† Request for Extension of Time per 37 CFR 1.136 (a)(3) made hereby

FORM PTO-1449
(REV. 6-89)U.S. DEPARTMENT OF COMMERCE
Patent and Trademark OfficeAttorney's Docket No.
19538-06497Serial No.
09/889,929**INFORMATION DISCLOSURE CITATION**

(Use several sheets if necessary)

Applicant

David Kowal et al.

Filing Date

November 20, 2001

Group Art Unit

U.S. PATENT DOCUMENTS

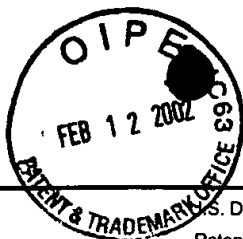
Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	A	6,263,315	07-17-01	Talluri	705	8	
	B	6,253,187	06-26-01	Fox	705	10	
	C	6,183,362	02-06-01	Boushy	463	8	
	D	6,049,774	04-11-00	Roy	705	8	
	E	6,003,013	12-14-99	Boushy et al.	705	10	
	F	5,918,209	06-29-99	Campbell et al.	705	5	
	G	5,761,647	06-02-98	Boushy	705	10	
	H	5,270,921	12-14-93	Hornick	364	407	
	I	5,255,184	10-19-93	Hornick et al.	364	407	
	J	4,910,677	03-20-90	Remedio et al.	364	410	

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation
							Yes No

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	K	Belobaba, P. P., "Application of a Probabilistic Decision Model to Airline Seat Inventory Control," Operations Research, Vol. 37, No. 2, pp. 183-197, March - April 1989.
	L	Bitran, G. R. and Mondschein, S. V., "An Application of Yield Management to the Hotel Industry Considering Multiple Day Stays," Operations Research, Vol. 43, No. 3, pp. 427-443, May - June 1995.
	M	Brumelle, S. L., McGill, J. I., "Airline Seat Allocation with Multiple Nested Fare Classes," Operations Research, Operations Research Society of America, Vol. 41, No. 1, pp. 127-137, January-February 1993.
	N	Brumelle, S. L., McGill, J. I., Oum, T. H., Sawaki, K., and Tretheway, M. W., "Allocation of Airline Seats Between Stochastically Dependent Demands," Transportation Science, Operations Research Society of America, Vol. 24, No. 3, pp. 183-192, August 1990.
	O	Chapman, S. N., and Carmel, J. I., "Demand/Capacity Management in Health Care: An Application of Yield Management," Health Care Management Review, Vol. 17, No. 4, pp. 45-54, Fall 1992.
	P	Curry, R. E., "Optimal Airline Seat Allocation with Fare Classes Nested by Origins and Destinations," Aeronomics Incorporated, pp. 1-22, June 1989.
	Q	Curry, R. E., "Real-Time Revenue Management," Technical Brief, Aeronomics Incorporated, pp. 1-4, Second Quarter 1992.
	R	Donaghy, K., McMahon, U., and McDowell, D., "Yield Management: an overview," International Journal of Hospitality Management, Vol. 14, No. 2, pp. 139-150, 1995.
	S	Dunn, K. D., and Brooks, D. E., "Profit Analysis: Beyond Yield Management," The Cornell Hotel and Restaurant Administration Quarterly, Vol. 31, No.3, pp. 80-90, November, 1990.



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FORM PTO-1449 (REV. 6-89)		U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office		Attorney's Docket No. 19538-06497	Serial No. 09/989,929
INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)				Applicant David Kowal et al.	
				Filing Date November 20, 2001	
OTHER DOCUMENTS CONTINUED (Including Author, Title, Date, Pertinent Pages, Etc.)					
	T	Hanks, R. D., Cross, R. G., and Noland, R. P., "Discounting in the Hotel Industry: A New Approach," The Cornell Hotel and Restaurant Administration Quarterly, Vol. 33, No. 1, pp. 15-23, February, 1992.			
	U	Harris, F. H. and Peacock, P., "Hold My Place, Please" Yield Management Improves Capacity-Allocation Guesswork," Marketing Management, Vol. 4, No. 2, pp. 34-46, Fall 1995.			
	V	Jauncey, S., Mitchell, I., and Slamet, P., "The Meaning and Management of Yield in Hotels," International Journal of Contemporary Hospitality Management, Vol. 7, No. 4, pp. 23-26, 1995.			
	W	Kimes, S. E., "Yield Management: A Tool for Capacity-Constrained Service Firms," Journal of Operations Management, Vol. 8, No. 4, pp. 348-363, October, 1989.			
	X	Kuyumcu, A. H., "Gaming with Revenue Management," Talus Solutions, Inc., Scorecard Growth Strategies for the Information Age, Technical Brief, pgs. 1-8, Summer, 2000.			
	Y	Lieberman, W. H., "Debunking the Myths of Yield Management" [online] [retrieved on 2001-05-15]. Retrieved from the Internet: <URL: www.abovetheweather.com/ym_myths.pdf>. (First appeared in The Cornell H.R.A. Quarterly, pp. 34-41, February, 1993).			
	Z	Orkin, E. B., "Boosting Your Bottom Line with Yield Management," The Cornell Hotel and Restaurant Administration Quarterly, Vol. 28, No. 4, pp. 52-56, February, 1988.			
	A1	Orkin, E. B., "Strategies for Managing Transient Rates," The Cornell Hotel and Restaurant Administration Quarterly, Vol. 30, No. 4, pp. 34-39, February, 1990.			
	B1	Relihan III, W. J., "The Yield-Management Approach to Hotel-Room Pricing," The Cornell Hotel and Restaurant Administration Quarterly, Vol. 30, No. 1, pp. 40-45, May, 1989.			
	C1	Vinod, B., "Reservation Inventory Control Techniques to Maximize Revenues," The Third International Airline Yield Management Conference, December 3, 1990.			
	D1	Weatherford, L. R., "Using Prices More Realistically as Decision Variables in Perishable-Asset Revenue Management Problems," Abstract, Journal of Combinatorial Optimization [online]. October 1997, 1(3):277-304. [retrieved on 2001-05-15]. Retrieved from the Internet: <URL: http://www.wkap.nl/oasis.htm/144927>.			
	E1	Wollmer, R. D., "An Airline Seat Management Model for a Single Leg Route When Lower Fare Classes Book First," Operations Research, Vol. 40, No. 1, pp. 26-37, January - February 1992.			
EXAMINER		DATE CONSIDERED			
EXAMINER: Initial if references considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					

PTO-1449
REV: 02/01
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